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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,837	12/18/2001	Gerard Guillet	VANM242.001AUS	4235

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EXAMINER

MCCALL, ERIC SCOTT

ART UNIT PAPER NUMBER

2855

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/025,837

Applicant(s)

GUILLET ET AL.

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

TEST BED FOR A THRUST REVERSER

FIRST OFFICE ACTION ON THE MERITS

ELECTION

Applicant's election without traverse of claims 1-9 and 13-15 in Paper No. 8 is acknowledged.

PRIORITY

Acknowledgment is made of the Applicant's claim for foreign priority based on an application filed in EP on Dec. 18, 2000. It is noted, however, that the Applicant has not filed a certified copy of the 00 870 305.0 application as required by 35 U.S.C. 119(b).

App Called on 9/25/03
TALKED TO APP
ON 9/25/03. I told
him I found the
CERT. COPY OF THE PRIORITY doc
∴ WITHDRAW this REMARK.
Told him to REFERENCE in his
this CONVERSATION in his
RESPONSE

Art Unit: 2855

ABSTRACT

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of the use of the legal phraseology "means" therein. Correction is required. See MPEP § 608.01(b).

CLAIMS

35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 and 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Art Unit: 2855

- Claim 1, line 4; the phrase "the gases" lacks antecedent basis;
line 5; the phrase "the combustion" lacks antecedent basis;
line 7; the phrase "the gases" lacks antecedent basis;
- Claim 3, the phrase "comprises a metal" is indefinite as to the meaning thereof;
- Claim 4, line 2; the phrase "the gas flow" lacks antecedent basis;
- Claim 8, the phrase "is internal" is indefinite as to the meaning of internal (ie.
internal to what?);
- Claim 9, the phrase "is external" is indefinite as to the meaning of external (ie.
external to what?);
- Claim 13, line 5; the phrase "the flow" lacks antecedent basis;
- Claim 14, the phrase "an internal test bed" is indefinite as to the meaning of internal
(ie. internal to what?); and
- Claim 15, the phrase "an external test bed" is indefinite as to the meaning of
external (ie. external to what?).

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

Art Unit: 2855

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Zdybel (6,105,364).

With regards to claim 1, Zdybel teaches a test bed for testing a thrust reverser of an engine comprising:

an engine, wherein said engine draws in (left side of fig. 1) and expels (right side of fig. 1) air in a direction in a primary flow (left to right);

a thrust reverser (32), wherein said thrust reverser circulates gases derived from combustion between the air and at least one fuel in a secondary flow, directed in a direction (right to left) substantially opposite that of said primary flow; and

a collecting and recovering component (12, 26, 28, & 42), said component redirecting the gases exiting said thrust reverser in the direction of said primary flow (left to right),

wherein said collecting and recovering component comprises at least one deflector (42) and two half-shells facing each other and open at least on one external face (top and bottom of fig. 1).

With regard to claims 2 and 3, Zdybel clearly teaches the claimed subject matter thereof.

Art Unit: 2855

With regards to claim 4, the walls (26, 12, & 28) of the half-shell of Zdybel are substantially parallel as claimed.

With regard to claims 5 & 7, the collecting and recovering unit of Zdybel is attached to the thrust reverser as claimed.

With regard to claims 6 & 7, the collecting and recovering unit of Zdybel is attached to the engine as claimed.

With regards to claim 8, in addition to the above comments pertaining to 35 USC 112, Zdybel is interpreted as suggesting an internal test bed as best understood by the Examiner.

With regards to claim 9, in addition to the above comments pertaining to 35 USC 112, Zdybel is interpreted as suggesting an external test bed as best understood by the Examiner.

35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2855

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdybel (6,105,364).

With regards to claim 13, Zdybel teaches a method of testing a thrust reverser of an engine on a test bed, comprising:

obtaining a device comprising at least one deflector (42) and two half-shells (area defined by 12, 26, 42, & 28), facing each other and open at least on one external face (fig. 1), wherein said half-shells are divided into compartments separated by walls (12, 26, & 28) that are substantially parallel; and

attaching said device to a thrust reverser (32) such that a flow of gases entering and exiting said device are substantially opposite (fig. 1).

Zdybel fails to teach said device being attached to the thrust reverser "in a test bed". However, it would have been obvious to one having ordinary skill in the art armed with said teaching to interpret the teaching of Zdybel as being in a test bed. The motivation being that the Applicant has claimed that a test bed is that which the flow of gases entering and exiting the device are substantially opposite of each other, and Zdybel clearly teaches that the gases entering the device (area defined by walls 12 & 26) are substantially opposite of the flow of gases exiting the device (area defined by walls 28).

Art Unit: 2855

With regards to claim 14, in addition to the above comments pertaining to 35 USC 112, Zdybel is interpreted as suggesting an internal test bed as best understood by the Examiner.

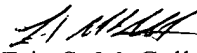
With regards to claim 15, in addition to the above comments pertaining to 35 USC 112, Zdybel is interpreted as suggesting an external test bed as best understood by the Examiner.

RELEVANT ART

Applicant's attention is directed to the enclosed "PTO-892" form for the prior art made of record and not relied upon but considered pertinent to the Applicant's disclosure.

CONCLUSION

Any inquiry concerning this communication should be directed to Eric S. McCall at telephone number (703) 308-6968.


Eric S. McCall
Primary Examiner
Art Unit 2855
April 16, 2003